

**REMARKS****INTRODUCTION:**

In accordance with the foregoing, claims 1, 4, 6, 9, 11, 12, and 14 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-45 are pending and under consideration. Reconsideration is requested.

**ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:**

Applicants request entry of this Rule 116 Response because:

(1) the amendment of claims 1, 4, 6, 9, 11, 12, and 14 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and

(2) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

**REJECTION UNDER 35 U.S.C. §103:**

In the Office Action at pages 2-5, the Examiner rejects claims 1-3, 7, 9-11, and 15 under 35 U.S.C. §103 in view of Helper (U.S. Patent No. 5,432,801) and Nakane et al. (U.S. Patent No. 6,621,782). The rejection is respectfully traversed and reconsideration is requested.

By way of review, Helper discloses a CD-ROM drive 21 which performs error correction using an A-CRC processor 32 and a B-CRC processor 33 so as to allow error detection for CD-ROM and CD-I type discs. (Col. 3, lines 25-53 of Helper). However, while Helper discloses performing errors correction on data read from the CD-ROM or CD-I type discs, Helper does not disclose or suggest that the operation of the A-CRC processor 32 or the B-CRC processor 33 is verified by the error processes to determine that the processors 32, 33 are operating correctly.

On page 7 of the Office Action, the Examiner does not assert that the combination discloses such a feature, and instead clarifies the rejection by noting that the claims do not clearly set forth a feature which corresponds to the processors 32, 33 being verified by the error

process to determine that the processors 32, 33 are operating correctly. While it is believed that claim 1 previously set forth such a feature, claim 1 has been amended to recite "operating the recording and/or reproducing apparatus in a read or write mode, using a test disc with test reference information included in the DMA information" and "checking whether the recording and/or reproducing apparatus operates in the read or write mode to verify the DMA information analyzing function of the recording and/or reproducing apparatus uses the test reference information correctly". As such, it is respectfully submitted that the combination does not disclose or suggest the invention recited in claim 1.

For at least similar reasons, it is respectfully submitted that the combination does not disclose or suggest the invention recited in claims 9 and 11.

Claims 2, 3, 7, 10, and 15 are deemed patentable due at least to their depending from corresponding claims 1 and 9.

**NON STATUTORY OBVIOUSNESS TYPE DOUBLE PATENTING REJECTION:**

On pages 5-6 of the Office Action, the Examiner provisionally rejects claim 43 under the judicially created doctrine of obviousness-type double patenting in view of U.S. Patent Application No. 09/805,437, which issued as U.S. Patent no. 6,804,797. In view of the enclosed Terminal Disclaimer, it is respectfully requested that the Examiner reconsider and withdraw the rejection.

**STATUS OF CLAIMS NOT REJECTED IN OFFICE ACTION**

On page 6 of the Office Action, the Examiner allows claims 17-42, and objects to claims 4-6, 8, 12-14, 16, 44, and 45 as depending from rejected base claims.

**CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

**SERIAL NO. 09/805,446**

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If there are any additional fees associated with the filing of this Response, please charge the same to our Deposit Account No. 50-3333.

Respectfully submitted,

STEIN, MCEWEN & BUI LLP

By:   
James G. McEwen  
Registration No. 41,983

1400 Eye Street, NW, Suite 300  
Washington, D.C. 20005  
Telephone: (202) 216-9505  
Facsimile: (202) 216-9510

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